

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STANELY FULLER,

Plaintiff,

-against-

ROAR MONEY (formerly Money Lion),

Defendant.

22-CV-5284 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated October 24, 2022, after granting Plaintiff leave to replead his claims, the Court dismissed Plaintiff's amended complaint for lack of subject matter jurisdiction, Fed. R. Civ. P. 12(h)(3). (ECF 9.) The Clerk of Court entered judgment on October 26, 2022. (ECF 10.) On November 21, 2022, Plaintiff filed a notice of appeal and a motion for an extension of time to file a notice of appeal. (ECF 11, 12.)

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed within thirty days after entry of judgment. Because Plaintiff's November 21, 2022 notice of appeal was filed within thirty days after entry of judgment on October 26, 2022, the notice of appeal is timely, and a motion for extension of time to appeal is unnecessary. Accordingly, Plaintiff's motion for extension of time to appeal is denied as moot.¹

CONCLUSION

Plaintiff's motion for an extension of time to file a notice of appeal (ECF 11) is denied as moot, and the Clerk of Court is directed to terminate the motion.

¹ On January 19, 2023, the Second Circuit dismissed Plaintiff's appeal for failure to either pay the filing fee or file an application to proceed *in forma pauperis*. No. 22-3036 (2d Cir. Feb. 17, 2023).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 6, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge